

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEROME DAVIS,

Plaintiff,

vs.

MARK ASHFORD,

Defendant.

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4:06cv3013

MEMORANDUM AND ORDER

This matter is before the court on filing no. 14, the Judgment and Mandate by the Eighth Circuit Court of Appeals dismissing the appeal by the plaintiff, Jerome Davis. The plaintiff appealed filing no. 5, the Memorandum and Order in which I screened the plaintiff's complaint pursuant to the Prison Litigation Reform Act and the In Forma Pauperis ("IFP") statute, and I determined that the complaint fails to state a claim upon which relief may be granted. I denied the plaintiff's Motion to Proceed IFP and gave him a deadline of February 24, 2006 to pay the \$250 filing fee.

The plaintiff then filed the interlocutory appeal which the Eighth Circuit has now dismissed. Accordingly, if the plaintiff wishes to pursue this matter, he shall have until July 21, 2006 to pay the \$250 filing fee, in the absence of which this case will be subject, without further notice, to dismissal without prejudice for lack of prosecution.¹

SO ORDERED.

July 7, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."